

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 13-cr-20900

v.

Honorable Thomas L. Ludington

DONALD MATLOCK,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING
DEFENDANT'S PLEA OF GUILTY AS TO COUNT TWO OF THE INDICTMENT AND
TAKING THE RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on June 12, 2014 by United States Magistrate Judge Patricia T. Morris pursuant to Defendant's consent. Judge Morris issued her report that day, recommending that this Court accept Defendant's plea of guilty as to Count 2 of the indictment with Counts 1 and 3 being dismissed. Although Judge Morris's report explicitly stated that the parties to this action may object to and seek review of the recommendation within 14 days of service of the report, as of today's date neither party has filed objections. The failure to object to Judge Morris's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). This failure to file objections to the report waives any further right to appeal as "a party must file timely objections with the district court to avoid waiving appellate review." *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (citing *U.S. v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981)).

Accordingly, it is **ORDERED** that Judge Morris's report and recommendation (ECF No. 22) is **ADOPTED**.

It is further **ORDERED** that Defendant's plea of guilty as to Count 2 of the indictment is **ACCEPTED**, and the Rule 11 Plea Agreement (ECF No. 21) is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: July 21, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 21, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS